

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

ERIC LEHMON HILTON,

2:13-CV-00246-YY

Petitioner,

ORDER

v.

JEFF PREMO, Superintendent  
Oregon State Penitentiary,

Respondent.

BROWN, Judge.

Magistrate Judge Youlee Yim You issued Findings and Recommendation (#92) on October 11, 2016, in which she recommends the Court deny Petitioner Eric Lehmon Hilton's Petition (#2) for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254; enter a judgment dismissing the matter with prejudice; and decline to issue a certificate of appealability. Petitioner filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also Dawson v. Marshall*, 561 F.3d 930, 932 (9<sup>th</sup> Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003) (*en banc*).

This Court has carefully considered Petitioner's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

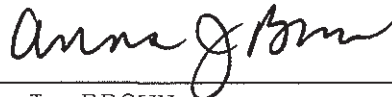
#### CONCLUSION

The Court **ADOPTS** Magistrate Judge You's Findings and Recommendation (#92) and, therefore, **DENIES** the Petition (#2) for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254; **DISMISSES** this matter **with prejudice**; and **DECLINES** to issue a certificate of appealability.

IT IS SO ORDERED.

DATED this 20<sup>th</sup> day of January, 2017.

23<sup>rd</sup>




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ANNA J. BROWN  
United States District Judge